UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:15-cr-00269-MOC-DCK

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
DAVID JIMENEZ MENCHACA)	
GARCIA,)	
5 6 1)	
Defendant.)	

THIS MATTER is before the court on defendant's Motion for Return of Seized Property. Having considered defendant's motion and reviewed the pleadings, including the government's response (#37), it appears that the government has returned to defense counsel one I-Phone and is in the process of returning a second I-Phone, that no Galaxy smart phone can be located, and that the \$8,500.00 in currency defendant seeks is actually \$8,000.00 in currency that was forfeited administratively in 2014 pursuant to 19 U.S.C. § 1609. Further, it appears that this is not the appropriate forum in which to challenge the 2014 administrative forfeiture and that no further relief is available from this court in this action.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Return of Seized Property (#37) is DENIED as it appears that the only property remaining in the custody of the prosecution is a second I-Phone which is being returned.

Signed: October 13, 2016

